

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for Reissue of:	§	
Patent No. 5,443,833	§	
	§	
Patentees: ANDREW R. CLARK	§	
PAUL WRIGHT	§	
JULIA H. RATCLIFFE	§	Attorney Docket No.: 2553.004
	§	
Assignee: Fisons, plc	§	
	§	
Issued: August 22, 1995	§	
	§	
For: PHARMACEUTICAL	§	
COMPOSITIONS	§	

**DECLARATION OF JOHN T. POLASEK**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

As an attorney with Tobor & Goldstein, I declare that the following information given herein is true:

1. On or about July 28, 1997, I contacted Gordon Wright to discuss with him issues related to the reissue application of the above referenced patent. Upon information and belief, Gordon Wright was patent counsel for Fisons plc during the pendency of the application that lead to issuance of the above referenced patent.

2. Gordon Wright informed me that he believed that Julia Ratcliffe had married and changed her name.

3. Notwithstanding the above, I attempted to contact Julia Ratcliffe. My purpose in contacting Julia Ratcliffe was with regard to the application for reissue of the above identified patent. More specifically, I attempted to contact Julia Ratcliffe to obtain her signature to the reissue oath that is to be filed pursuant to 37 C.F.R. § 1.172 and § 1.175.

4. At that time, upon information and belief, Julia Ratcliffe's last known address was as follows:

Flat 2, 16 Crescent Road  
Alverstoke Gosport  
Hampshire PO12 2DH  
England

5. On August 6, 1997, I drafted a letter that was sent to Julia Ratcliffe at the above listed last known address by Federal Express, and requested that she contact me. A copy of the correspondence is attached as Exhibit A.

6. On August 8, 1997, while I was out of my office, Federal Express called my office and stated that the correspondence would be returned because there was no one by that name at that address.

7. I have also spoken, by telephone, with Andrew Agnew, patent liaison for Rhone-Poulenc Roher. Mr. Agnew informs me that his attempt to contact Julia Ratcliffe was unsuccessful. This is explained more fully in his declaration.

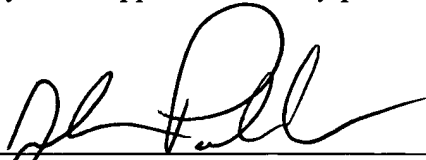
8. Thereafter on August 15, 1997, I received correspondence from Stephen Jones indicating that he was given the following address for an individual by the name of Dr. J.H. Ratcliffe:

15 Ipswich Road,  
Woodbridge  
Suffolk IP12 4BS.

A copy of this correspondence is attached as Exhibit "B". On August 15, 1997, I sent a letter to Julia Ratcliffe at this address via Federal Express, and requested that she person contact me. A copy of that letter is attached as Exhibit "C". Upon information and belief, someone by the name "Ratcliffe" signed for the Federal Express package. To date, neither Julia Ratcliffe nor anyone else by the name of J.H. Ratcliffe has contacted me.

9. All efforts to contact Julia Ratcliffe, as explained above, to execute the reissue oath or declaration pursuant to 37 C.F.R. § 1.172 and § 1.175 have been unsuccessful.

I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

  
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John T. Polasek

Date: 8/21/97

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